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SUBJECT: UKRAINE ADOPTIONS: YUSHCHENKO SIGNS LAW ON TEMPORARY AUTHORITY; GOU STILL LOOKING FOR BILATERAL AGREEMENT

REFS: A) Kiev 165; B) 1/30/06 Bistransky-Lamora telcon;  
C) State 10864

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**¶1.** (U) SUMMARY: On Tuesday January 31, President Yushchenko signed the law giving interim adoption authority to the National Adoption Center (NAC), clearing the way for prospective adoptive parents to process their adoptions to conclusion. The NAC has a plan in place to prioritize appointments and serve families in a timely fashion. At a recent meeting with CG, NAC Director welcomed USG efforts to improve American parents' compliance with post-adoption reporting requirements. The NAC advised that the Minister of Family, Youth, and Sports continued to be interested in a bilateral agreement on adoption. END SUMMARY.

**¶2.** (U) On January 31, President Yushchenko signed the law, passed by the Rada on January 12, giving interim authority over adoptions to the Ministry of Education's National Adoption Center (NAC) until the new adoption authority is legally established under the Ministry of Family, Youth, and Sports (ref A). This law will go into effect upon its publication in the Ukrainian parliament's official newspaper "Holos Ukrayiny," which could occur as early as February 2. The law, designed to fix the adoption processing gap created December 22 when the Rada passed new adoption authority legislation, gives the NAC lame duck status to process adoptions until May 1, 2006 -- the final date by which the new adoption central authority must be established under the Ministry of Family, Youth, and Sports (MinFYS). (Note: Lyudmila VOLYNETS and others in MinFYS have cautioned that the NAC would only be able to process adoptions until March 22 -- three months after passage of the initial December 22 legislation. MinFYS officials expect a temporary suspension of all intercountry adoptions between March 22 and May 1, the date the new authority is expected to be operational. End note.)

**¶3.** (SBU) In a Friday meeting with CG, NAC Director Yevheniya CHERNYSHOVA said that the NAC would continue processing not only suspended cases, but also cases that had originally been scheduled through the end of January. According to Chernyshova, there are 256 dossiers caught in the recent stoppage. 103 are American cases (this includes all families from December and those that had been scheduled through the end of January). Chernyshova said first priority would be given to prospective adoptive parents (PAPs) who had already identified children, and were only awaiting NAC concurrence to conclude the adoption in court. Second in line would be PAPs who had been in the process of identifying children in December when the NAC suddenly lost its adoption authority. Through the month of February the NAC would reschedule appointments for those PAPs (twenty five Amcit families) whose original January appointments had to be missed due to the suspension. Chernyshova said the NAC would give priority appointments to PAPs who were already in Ukraine (in a way, rewarding those who had chosen not to heed advice to delay travel until new procedures were confirmed).

**¶4.** (SBU) CG briefed Chernyshova on USG efforts to encourage American parents' compliance with Ukrainian law on post placement adoption reports, including A/S Harty's conference call with American Adoption Service Providers (ASPs) (ref B). Chernyshova welcomed news that the USG had engaged ASPs at such a high level and said she would report this to FYS Minister, Yuriy Pavlenko. Chernyshova said only Canada and Spain had achieved 100 percent compliance, but these countries' citizens had not been able to submit new adoption dossiers, since the NAC had not had authority to accept them. She equivocated when asked what would occur after presidential signature of the law.

**¶5.** (SBU) Chernyshova relayed that Minister Pavlenko had returned from his trip to the United States still

intending to pursue a bilateral adoption agreement with the United States along the lines of the U.S.-Vietnam agreement. CG emphasized that the USG preferred to use a multilateral vehicle such as the Hague Convention on Intercountry Adoption. CG noted that a bilateral agreement such as the one with Vietnam could take years to conclude. Since the U.S. and Ukraine were moving toward Hague Convention accession, a bilateral agreement should not be necessary. Chernyshova rebutted that the minister's present thinking was in favor of a bilateral agreement regardless of the progress towards the Hague Convention. She noted that other countries such as Italy, which were already signatories to the Hague Convention, were discussing bilateral agreements within the convention framework.

16. (U) COMMENT: We have been actively engaged on this issue since December 22, and we look forward to efficiently processing orphan visa cases for the families who have been caught in the suspension. We will continue to track developments in the coming weeks and appropriately inform the American adoption community through e-mail notices and web page updates.

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